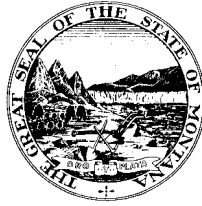


Council Senate Members
B.F. "CHRIS" CHRISTIAENS
VICKI COCCHIARELLA
MACK COLE
STEVE DOHERTY
DUANE GRIMES
FRED THOMAS



Council House Members
KIM GILLAN - VICE
CHAIRMAN
GEORGE GOLIE
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MARK NOENNIG

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September 12, 2002

MINUTES

Room 152, State Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.
Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

COMMITTEE MEMBERS PRESENT

Rep. Kim Gillan, Vice Chair
Sen. B.F. "Chris" Christiaens
Sen. Vicki Cocchiarella
Sen. Steve Doherty
Sen. Duane Grimes
Sen. Fred Thomas
Rep. George Golie
Rep. Dan McGee
Rep. Doug Mood
Rep. Brad Newman
Rep. Mark Noennig

COMMITTEE MEMBERS ABSENT

Sen. Mack Cole

STAFF PRESENT

Lois Menzies, Executive Director, Legislative Services Division (LSD)
Karen Berger, Financial Services Manager, LSD
Hank Trenk, Director, Office of Legislative Information Technology, LSD
Karen Kueffler, Legislative Printing Supervisor, LSD
Marilyn Miller, Chief Clerk, House of Representatives

COMMITTEE ACTION

- ! Approved minutes of the June 24, 2002, meeting.
- ! Concurred with the proposed transfer of the Shelby Job Service to Toole County.
- ! Approved submission of the proposed LSD operating budget for the 2004-05 biennium.
- ! Approved submission of the proposed Interim Committees and Activities budget for the 2004-05 biennium.
- ! Approved the proposed computer system plan and budget for the 2004-05 biennium.
- ! Approved two proposed pilot projects for recording session committee meetings.
- ! Authorized hiring of temporary staff for the 2003 session.
- ! Approved the proposed price schedule for the 2003 session proceedings.
- ! Deferred action on modifying the method for making session per diem payments.
- ! Selected Tuesday, November 19, 2002, as the date for the next Legislative Council meeting.

CALL TO ORDER, ROLL CALL, AND APPROVAL OF MINUTES

Rep. Gillan called the meeting to order at 1 p.m. All members were present except for Sen. Christiaens, who arrived later, and Sen. Cole, who was excused. The Council approved the minutes from the June 24, 2002, meeting without revision.

CONSULTATION ON LAND TRANSFER

Jeanne Holmgren, Special Use Management Bureau Chief, Department of Natural Resources and Conservation (DNRC), explained that the DNRC was seeking the Legislative Council's consultation on a proposed transfer of the Department of Labor and Industry's (DLI's) Shelby Job Service building to Toole County. She explained that the Job Service has abandoned the building because of environmental concerns (i.e., presence of molds and asbestos) and has relocated. Toole County has asked that the building be transferred to the County in its present condition and stated that the County would assume all costs associated with remediation. Ms. Holmgren reported that the U.S. Department of Labor has approved the transfer. (EXHIBIT #1)

Mark Bowles, Job Service Programs Bureau Chief, DLI, stated that the DLI has no further use for the property and supports the transfer to Toole County.

Allen Underdal, Toole County Commissioner, said that the County, following remediation of the environmental problems, would use the building to house the county health nurse and possibly the county sanitarian.

Sen. Doherty moved that the minutes reflect that the consultation on land transfers as required by statute has occurred and that the Council concurs with the transfer of property as proposed by the DNRC. The motion passed unanimously.

FISCAL YEAR 2004-05 BIENNIAL BUDGET: LEGISLATIVE SERVICES DIVISION

Lois Menzies, Executive Director, LSD, presented the LSD's proposed preliminary operating budget for the 2004-05 biennium. (EXHIBIT #2) She explained that the proposed budget

reflected actual fiscal year 2002 expenditures with present law adjustments. The budget contains no new proposals. Ms. Menzies explained that she is seeking the Legislative Council's approval to submit the budget to the Office of Budget and Program Planning (OBPP) at the proposed level, recognizing that future adjustments are highly likely. She noted that in the past, the three legislative agency directors have worked with leadership early in the regular session to determine the extent and nature of adjustments.

Rep. McGee asked how the proposed budget compares to the current biennium. Ms. Menzies said that the proposed budget represents a 4.8 % increase.

Sen. Thomas moved that the proposed LSD budget be submitted to OBPP. The motion passed 9-2 with Representatives McGee and Mood voting no.

FISCAL YEAR 2004-05 BIENNIAL BUDGET: INTERIM COMMITTEES AND ACTIVITIES

Ms. Menzies presented a table providing information about the interim and other statutory legislative committees. (EXHIBIT #3) She also explained the proposed Interim Committees and Activities budget (Program 21) for the 2004-05 biennium. (EXHIBIT #4) She reviewed several new proposals for funding: broadcasting of interim committee meetings through Montana Television (TVMT); dues and legislator participation in the Pacific Northwest Economic Region (PNWER); legislator participation on the Legislative Council on River Governance; second year's dues for the Council of State Governments (CSG); and legislator participation in the National Conference of State Legislatures (NCSL) and the CSG.

Sen. Doherty expressed interest in presenting all of the new proposals to the 2003 Legislature for its review and consideration. He said that he placed more value on services and benefits received from the CSG and NCSL than on PNWER and River Governance. Sen. Cocchiarella spoke in favor of funding for River Governance, stating that the issues addressed by the Council are of importance to Montana.

Sen. Thomas moved that the proposed operational budget for the 2004-05 biennium, excluding the budget proposals listed on the bottom of the page, be approved. Rep. McGee said that he did not want to include NCSL dues. Sen. Doherty said that he supported the motion and that Montana gets "dollar for dollar" value from its dues. Rep. Gillan said that the CSG and NSCL serve as "resource extenders" for the Montana Legislature and that she has found participation in these organizations to be well worth the time. Sen. Cocchiarella said that she, too, believed that participation in the associations was valuable. The motion was approved 8-2, with Rep. McGee and Rep. Mood voting no.

Sen. Thomas moved that the proposals to fund legislator participation in the CSG and NCSL be included in the proposed budget for the 2004-05 biennium. He said that it was critical for Montana to get ideas from other states and that it was prudent for the Legislature to consider this proposal.

Sen. Doherty made a substitute motion to approve funding for PNWER, River Governance, CSG dues, and legislator participation in the CSG and NCSL. The motion was approved 6-4, with Sen. Thomas, Rep. Mood, Rep. McGee, and Rep. Newman voting no.

Sen. Cocchiarella moved that the current Legislative Council recommend to the next Council that up to \$45,000 of the Interim Committees and Activities contingency fund be used to broadcast interim committee meetings for the 2003-04 interim. She stated that it was important for this Council to think beyond what it is currently doing and to anticipate how technology will be used in the future. Sen. Grimes questioned whether there was a demand for this service. Rep. Noennig said that the Council needed flexibility to "test drive" TVMT on interim committees. Rep. McGee said that he opposed the motion. He said that he does not oppose TVMT; however, he does oppose any spending of the taxpayers' money that is not for the essential operation of state government. The motion failed 4-6, with Sen. Cocchiarella, Sen. Doherty, Rep. Gillan, and Rep. Noennig voting yes.

FY 2004-05 Legislative Branch Computer System Plan

Hank Trenk, Director, Office of Legislative Information Technology, presented the proposed Legislative Branch Computer System Plan for the 2004-05 biennium. (EXHIBIT #5) He reviewed the evolution of computer system planning in the Branch, membership of the Computer System Planning Council, and contents of the draft plan. Mr. Trenk explained that the proposed budget consists of two parts: (1) maintenance of the operational status of the current computer environment; and (2) a new proposal to connect legislators' laptops to the state data network for the 2005 session.

Sen. Cocchiarella moved to adopt the proposed computer system plan. Rep. McGee asked whether the plan covered hardware and software purchases. Mr. Trenk said that the plan includes replacing hardware in accordance with the Branch's 4-year replacement cycle. Sen. Grimes asked about the support costs associated with the new proposal. Mr. Trenk said that connecting legislators' laptops to the state network was new territory that could be labor intensive to support. In response to a question from Sen. Thomas, Mr. Trenk said that the budget contained no money for additional staff. Sen. Thomas expressed concern about the size of the information technology (IT) budget. He said that the Branch was spending too much money in this area and that the Council needed to send a message. He said that private industry would not spend close to this amount.

Sen. Thomas made a substitute motion to approve \$3 million for the computer system plan for the 2004-05 biennium, including the new proposal. Sen. Grimes said that he supported the motion. He noted that it is important to maintain an adequate IT budget; however, the Council must be reflective related to expenditures in this area. Rep. Golie spoke against the motion, saying that he felt that the proposal was developed by competent people. Rep. Mood also expressed concern about the size of the budget. Sen. Doherty questioned why state government continues to feed large-scale software development projects that are not working. Rep. Gillan said that the Legislative Automated Workflow System (LAWS), developed by the Branch, has opened the legislative process to the public; she has received many positive comments about it. Sen. Cocchiarella spoke against the motion, saying that connecting legislators' laptops would increase productivity and efficiency. She also noted that the Council did not have enough information to determine whether the amount recommended by Sen. Thomas was reasonable. Rep. McGee said that the Branch can do what it needs to do much cheaper. The motion by Sen. Thomas failed 4-7 with Rep. Mood, Rep. McGee, Sen. Thomas, and Sen. Grimes voting yes.

The Council reverted to the original motion to approve the computer system plan as proposed. The motion passed 9-2 with Rep. McGee and Sen. Thomas voting no.

Production of Session Committee Minutes

Marilyn Miller, Chief Clerk of the House of Representatives, described problems encountered by the Secretary of the Senate and herself in recruiting, hiring, and retaining qualified committee secretaries. She noted that the skill set required to produce timely, accurate, and complete summary minutes of standing committee meetings was difficult to find. Therefore, it has become necessary to explore other means for producing a record of the committee meetings.

She asked the Council for permission to conduct a pilot project during the 2003 session. This pilot would involve recording all committee meetings held in a designated Senate hearing room (e.g., Room 405) using an audio compact disc recorder. It would also involve recording all committee hearings held in a designated House hearing room (e.g., Room 102) using Television Montana (TVMT) video equipment. No written minutes would be produced for the committees meeting in these two rooms.

Sen. Christiaens asked how the videotaping pilot would be funded. Ms. Menzies responded that the cost would be absorbed within TVMT's session production budget, which the Legislative Council approved including in the 2003 feed bill. In response to a question from Sen. Doherty, Ms. Miller said that the technology would follow the committee if the committee were to move to a different room to accommodate a large hearing. Rep. Noennig requested that written minutes of executive action be produced for each committee. Rep. McGee stated that he preferred two pilot projects using videorecording because he believes that videotaping is where the future is going. Rep. McGee moved that the Legislative Council approve the two proposed pilot projects for recording session committee meetings but that the possibility of using videotaping for both pilot projects be further explored. The motion passed unanimously.

Hiring of Temporary Legislative Services Division Staff for 2003 Session

Ms. Menzies said that she was seeking permission to hire temporary staff for the 2003 session, including information specialists/telecommunications officers, proofreaders, bills distribution clerks, and an accounting clerk. (EXHIBIT #6) She also noted that in June 2001, the Legislative Council approved converting contracted services to personal services for purposes of providing web administration support to the Legislative Branch. The LSD hired a person in February 2002 for this purpose. Ms. Menzies asked for the Council's approval to move the staff member into a vacant position within the Division. This move would not result in increased funding or in additional staff. Sen. Cocchiarella moved that the Legislative Council authorize hiring of temporary staff for the 2003 session and moving the staff member into a vacant position within the Division. The motion passed unanimously.

Prices for 2003 Legislative Proceedings

Karen Kueffler, Legislative Printing Supervisor, reviewed proposed prices for the 2003 session proceedings. (EXHIBIT #7) She noted that an end-of-the-session survey indicated that 67 % of the respondents believed that the daily journal was of little or no importance to

them. The journals are now provided to customers ordering a set of the proceedings because 5-11-211(3), MCA, defines the proceedings of the Legislature to include the journal. If the definition were changed to eliminate the journals as a part of the proceedings, \$100 in printing costs could be saved for each set of proceedings.

Rep. Noennig moved that the definition of proceedings be amended to delete the daily journal, that the Legislative Council request a bill draft to amend the definition, and that the suggested price list for session proceedings be adopted. Rep. McGee asked why the journals were statutorily made a part of the proceedings. Ms. Kueffler said that the public wanted to know how legislators voted.

Rep. Noennig withdrew his motion. He then moved that the proposed price schedule for 2003 session proceedings be adopted. The motion passed unanimously.

Rep. Noennig moved that the Legislative Council request that a bill be drafted to allow the daily journals to be printed and available as an item separate from the complete set of the proceedings. The motion passed unanimously.

Session Per Diem Payments

Karen Berger, Financial Services Manager, reviewed a handout on payment of the daily allowance or per diem to legislators during a regular legislative session. (EXHIBIT #8) She said that the Council may want to consider standardizing the process for making these payments. Currently, legislators who live outside a 50-mile radius of Helena receive a weekly payment for per diem. Payments to legislators who live within a 50-mile radius of Helena are made biweekly. Ms. Berger proposed that all legislators be paid on a biweekly basis in conjunction with payroll. This proposal would mean that all legislators would receive one check (rather than two) and that legislators could elect to electronically deposit the check. Additionally, there would be some operational savings resulting from the reduced number of checks issued.

Several members mentioned that it may impose a financial hardship on legislators who live outside the 50-mile radius to receive their first per diem payment in late January. Rep. McGee said that separate checks make it easier to account for salary and per diem for income tax purposes.

Sen. Thomas asked staff to explore the possibility of prepaying per diem for all legislators. Sen. Cocchiarella asked if the per diem payment proposal could be made optional for legislators. Both she and Rep. Noennig acknowledged that the proposal could be advantageous for some legislators. Ms. Berger said that it could be made optional. She also indicated that implementation of the proposal could be delayed until later in the session.

Rep. Gillan asked staff to take no action at this time, conduct further research, and bring additional information to the Council for consideration at its next meeting.

Proposed Bill Draft on Effective Dates for Special Session Legislation

Lois Menzies reviewed a proposed bill draft providing an immediate effective date for all

legislation enacted during a special session unless a different time is prescribed in the enacting legislation. (EXHIBIT #9) Rep. McGee moved that the Legislative Council request that the bill be drafted. The motion passed unanimously.

Next Meeting Date

The Council selected Tuesday, November 19, 2002, as the date for its next meeting.

The meeting adjourned at 4:45 p.m.

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